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*Attorneys for Plaintiff*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

SPORTFIVE Golf, LLC, an Arizona  
limited liability company,

Plaintiff,

v.

Sabor Ritmo Festival, LLC, a California  
limited liability company; Julissa  
Marcencia, an individual,

Defendants.

No. CV-24-03635-PHX-JJT

**RULE 60(a) MOTION TO CORRECT  
CLERICAL MISTAKE ON  
JUDGMENT**

On March 12, 2025, this Court entered a default judgment against Defendant Sabor Ritmo Festival, LLC and Defendant Julissa Marcencia. (Doc. 17.) On the face of the default judgement, however, it is not clear that the judgment applies to Defendant Marcencia. As such, Plaintiff respectfully requests the Court correct the judgment pursuant to Fed. R. Civ. P. 60(a) to make it clear that the judgment applies to both Defendant Sabor and Defendant Marcencia.

The default judgment issued by this Court contains an abbreviated caption that only names Defendant Sabor. Additionally, the body of the default judgment only states that judgment is entered against “Defendants” without naming the Defendants that this judgment

1 applies to. Thus, Plaintiff is concerned that it will have difficulty enforcing this judgment against  
 2 Defendant Marcencia, as her name does not appear anywhere on the default judgment.

3 Under Federal Rule of Civil Procedure 60(a): “The court may correct a clerical mistake  
 4 or a mistake arising from oversight or omission whenever one is found in a judgment, order, or  
 5 other part of the record.” Rule 60(a) is applied “where the record makes apparent that the court  
 6 intended one thing but by merely clerical mistake or oversight did another.” *Martinez v. Dart*  
 7 *Trans, Inc.*, 547 Supp.3d 1140, 1148 (D. N.M. 2021). *See also Garamendi v. Henin*, 683 F.3d  
 8 1069, 1079 (9<sup>th</sup> Cir. 2012) (“Rule 60(a) relief is proper to the extent that it does not deviate from  
 9 the original intent of the court.”) Here, the use of “Defendants” in the default judgments  
 10 demonstrates that the Court meant for the judgment to apply to both Defendant Sabor and  
 11 Defendant Marcencia. Additionally, Plaintiff moved for default judgment against both  
 12 Defendants for their failure to answer or otherwise respond to its complaint. (Doc. 15.) The  
 13 Court granted this motion as to both Defendants (Doc. 16 at pg. 5.) The record makes it clear  
 14 that the Court intended for the judgment to apply to both Defendant Sabor and Defendant  
 15 Marcencia. Due to an oversight or mistake, however, the judgment seems ambiguous as to  
 16 Defendant Marcencia.

17 Plaintiff respectfully requests the Court to correct the default judgment to make it clear  
 18 that the judgment applies to both Defendant Sabor and Defendant Marcencia. A proposed form  
 19 of the corrected default judgment is attached herewith.

20  
 21 DATED this 24<sup>th</sup> day of March 2024.

22 **ZWILLINGER WULKAN PLC**

23  
 24 By: /s/ Larry J. Wulkan

25 Larry J. Wulkan  
 26 Robert Weeks  
 27 Samantha T. Lee  
 28 2020 N. Central Ave., Suite 675  
 Phoenix, Arizona 85004  
 Attorneys for Plaintiff

**CERTIFICATE OF SERVICE**

I hereby certify that on March 24, 2025, I caused the foregoing document to be filed electronically with the Clerk of Court for the U.S. District Court for the District of Arizona by using the CM/ECF System. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

I also hereby certify that on March 24, 2025, I caused the foregoing document to be mailed by regular U.S. Mail to:

Julissa Marcencia  
15 Nicholas Ct., Apt. 301  
Napa, CA 94558-2764

Sabor Ritmo Festival, LLC  
c/o Zenbusiness, Inc., Statutory Agent  
2520 Venture Oaks Way, Suite 120  
Sacramento, CA 95833

By: /s/ Stephanie Dolfini